

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA**

<b>KEVIN ALMY,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>2:12-cv-00129-HDM-VCF</b>
	)	
<b>vs.</b>	)	
	)	<b>MINUTES OF COURT</b>
<b>D. DAVIS, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	<b>December 10, 2014</b>
	/	

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**PROCEEDINGS: JURY TRIAL - DAY THREE**

**PRESENT:**

**THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE**

**Deputy Clerk: Paris Rich Reporter: Margaret Griener**

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At 7:58 a.m., the Court convenes.

The Pro Se Plaintiff is present in custody.

Micheline Fairbank and Benjamin Johnson are present with Defendants Eric Francher, Brandt Halling, James Keener, Veronica Meza, Terry Nelsen, and Ruben Vidaurri.

Privacy screens are in place at both counsel tables.

Off the record, the parties discuss the proposed jury instructions and verdict forms.

At 8:07 a.m., the Court stands at recess.

At 8:17 a.m., the Court reconvenes outside the presence of the jury. All parties are present.

The Plaintiff has no objections to the proposed jury instructions and has no additional jury instructions to offer.

Ms. Fairbank confirms the Defendants have no objections to the proposed jury instructions and have no additional jury instructions to offer.

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The jury instructions are settled in open Court.

Ms. Fairbank recites requested revisions to the proposed verdict forms. The Court and parties confer. The Court states the Defendants' objection is noted, however, no changes will be made to the verdict forms.

At 8:22 a.m., the jury enters the courtroom.

The Court instructs the jury.

The Plaintiff presents closing argument.

At 9:18 a.m., the jury is admonished and excused. The Court stands at recess.

At 9:30 a.m., the Court reconvenes with the jury and all parties present.

Ms. Fairbank presents closing argument on behalf of the Defendants.

The Plaintiff presents rebuttal argument.

Court Security Officers T. Moot and J. McCauley are sworn to take charge of the jury.

The Court recites further statements to the jury.

At 9:58 a.m., the jury retires for deliberations.

Outside the presence of the jury, the parties are advised to remain within 10 minutes of the courtroom.

At 10:00 a.m., the Court stands at recess subject to call of the jury.

At 12:34 p.m., the parties return to the courtroom to address a jury note off the record.

At 12:50 p.m., the Court convenes outside the presence of the jury to discuss the proposed response to the jury note.

At 1:04 p.m., the jury enters the courtroom.

The Court recites a responsive statement to the jury.

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At 1:07 p.m., the Court stands at recess subject to call of the jury.

At 1:52 p.m., the Court reconvenes outside the presence of the jury to address a jury note.

The parties stipulate to the correction of the verdict form as related to Defendant Vidaurri.

At 1:53 p.m., the Court stands at recess subject to call of the jury.

At 2:00 p.m., the Court reconvenes outside the presence of the jury. All parties are present.

At 2:05 p.m., the jury enters the courtroom.

The jury foreperson indicates the jury has reached unanimous verdicts.

The Court reviews the verdicts.

At 2:10 p.m., the jury is excused for further deliberations, as one verdict form has been left blank.

The parties stipulate to remain in the courtroom pending the return of the jury.

At 2:15 p.m., the jury enters the courtroom.

The jury foreperson indicates the jury has reached the final unanimous verdict.

The verdicts are published by the Courtroom Clerk.

With no objection by the parties, **IT IS ORDERED, the verdicts as to Defendants Nelsen, Halling, Meza, Vidaurri, Fancher, and Keener, which reflect the incorrect date of December 11, 2014, are modified to reflect the correct date of December 10, 2014. IT IS SO ORDERED.**

The Court finds all verdicts are unanimous.

The Plaintiff and the Defendants decline polling of the jury.

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**IT IS ORDERED AND ADJUDGED:**

**As to Count I, Judgment is entered in favor of Defendants Brandon Davis and Terry Nelsen and against Plaintiff Kevin Almy.**

**As to Count VIII, Judgment is entered in favor of Defendants Brandt Halling and Ruben Vidaurri and against Plaintiff Kevin Almy.**

**As to Count XI, Judgment is entered in favor of Defendants Veronica Meza, Ruben Vidaurri, and Kevin Fancher and against Plaintiff Kevin Almy.**

**As to Count III, Judgment is entered in favor of Plaintiff Kevin Almy and against Defendant James Keener with nominal damages in the amount of \$1.00.**

**IT IS SO ORDERED.**

The Court thanks and excuses the jury from federal jury service for a period of two years.

With no objection, the non-admitted exhibits are returned.

At 2:27 p.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich

Deputy Clerk